

## REMARKS/ARGUMENTS

The Office Action of February 24, 2005, has been carefully considered. It is noted that claim 1 is rejected under 35 U.S.C. §102(b) over the patent to Owens.

Claim 1 is also rejected under 35 U.S.C. §102(b) over the patent to Murgas.

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) over the patent to Lee '349.

Claims 1-4 are rejected under 35 U.S.C. §102(b) over the patent to Barker.

Claims 5, 12, 16 and 17 are rejected under 35 U.S.C. §102(b) over the patent to Lee '897.

Claims 5, 6, 12, and 16-18 are rejected under 35 U.S.C. §102(b) over the patent to Greenfield.

Claims 5, 6, 10, 12 and 16-18 are rejected under 35 U.S.C. §102(b) over Lee '349.

Claims 5-10, 12 and 16-18 are rejected under 35 U.S.C. §102(b) over Barker.

Claim 11 is rejected under 35 U.S.C. §103(a) over Lee '349 or Lee '897.

Claims 13 and 14 are rejected under 35 U.S.C. §103(a) over Lee '349 or Greenfield in view of Lee '897.

Claim 19 is rejected under 35 U.S.C. §103(a) over Lee '349 in view of the patent to Malachowski.

Claim 19 is also rejected under 35 U.S.C. §103(a) over Murgas in view of Malachowski.

In view of the Examiner's rejections of the claims, applicant has amended claims 1, 5 and 19.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Owens, it can be seen that this patent discloses an auxiliary rear view mirror system. Owens does not disclose a mirror mounting assembly as recited in independent claim 1 presently on file. Specifically, Owens does not disclose a bracket having a vertical portion with two laterally extending flanges that extend from opposite ends of the vertical portion, as in the presently claimed invention. Furthermore, there is no disclosure of a through-hole in one of the flanges via which the bracket is mounted to the bulkhead of the vehicle in the engine bay by a fender panel mounting bolt, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claim 1

under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Murgas discloses a detachable fender mounted rearview mirror. Murgas also does not disclose a mirror mounting assembly as recited in the claims presently on file. Specifically, Murgas does not disclose a bracket having a vertical portion with a laterally extending flange from each end of the vertical portion, as in the presently claimed invention. Furthermore, Murgas does not disclose a first one of the flanges having a through-hole via which the bracket is connectable to the bulkhead of the vehicle in the engine bay by a fender panel mounting bolt while an additional support arm for the mirror is connected to the second flange of the bracket, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Lee '349 discloses a rearview mirror. Lee does not disclose a mirror mounting assembly as recited in the claims presently on file. Specifically, Lee '349 does not disclose a bracket with a lateral flange that connects the bracket to the bulkhead of the vehicle in the engine bay, as in the presently claimed invention. In Lee '349, the lateral portion 37 of the bracket is "gripped between the hood 13 and the fender 14." As seen in Fig. 2, this flange 37 is not in the engine bay. The only portion of the bracket of Lee '349 that is in the engine bay is the vertical flange 39. Additionally, Lee '349 does not disclose one of the flanges having a through-bore via which the bracket is connectable to the bulkhead of the vehicle in the engine bay by a fender panel mounting bolt, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 1 and 2 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Barker discloses a rearview mirror construction. Barker does not disclose a mirror mounting assembly as recited in the claims presently on file. As with Lee '349, Barker discloses a bracket having a horizontal portion that is wedged between the engine hood 21 and the vehicle body 19. Furthermore, Barker provides nubbins 26 that engage in holes "drilled into the vertical, or rise portion of the hood closure step 23." Barker does not disclose a mirror

mounting assembly having a bracket with a flange extending from a vertical portion, which flange has a through-hole via which the bracket is connectable to the bulkhead of the vehicle in the engine bay by a fender panel mounting bolt, as in the presently claimed invention. The inventive construction allows the mirror to be mounted with fasteners that are utilized in the initial construction of the vehicle, thus avoiding the need for drilling additional holes in the vehicle body.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-4 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Lee '897 discloses a rearview mirror. Lee '897 does not disclose a mirror mounting assembly as recited in the claims presently on file. Specifically, Lee '897 does not disclose a bracket construction wherein each bracket has a center portion and two laterally extending flanges wherein one of the flanges of each bracket has a through-hole whereby the bracket is connectable to the bulkhead of the vehicle in the engine bay by a fender panel mounting bolt. In Lee '897, the vertical flange 39 is mounted to a vertical wall of the fender by tension caused by the eye bolts 58, 59. There is no attachment of the lateral flange 37 to the vehicle bulkhead in the engine bay. Furthermore, there is no disclosure of a through-hole in the lateral flange for mounting the bracket to the bulkhead of the vehicle in the engine bay by a fender panel mounting bolt, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 5, 12, 16 and 17 under 35 U.S.C. §102(b) over Lee '897 is overcome and should be withdrawn.

The patent to Greenfield discloses a rearview mirror attachment. Applicant respectfully submits that Greenfield does not disclose a mirror mounting assembly as recited in the claims presently on file. Specifically, the brackets of Greenfield are not the same as the brackets recited in the claims presently on file. The brackets of Greenfield are essentially the same as the brackets of Lee '897 and are constructed to function in a similar manner. There is no disclosure by Greenfield of brackets having laterally extending flanges that have a hole therein whereby the bracket is connectable to the bulkhead of the vehicle in the engine bay by a fender panel mounting bolt, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 5,

6, 12 and 16-18 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Lee '349 has been previously discussed. As was previously mentioned, Lee '349 does not disclose a mirror mounting assembly having a bracket construction as recited in the claims presently on file.

In view of these considerations, it is respectfully submitted that the rejection of claims 5, 6, 10, 12 and 16-18 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Barker has also been previously discussed. To briefly summarize, Barker does not disclose a mirror mounting assembly having a flange construction as recited in the claims presently on file.

In view of these considerations, it is respectfully submitted that the rejection of claims 5-10, 12 and 16-18 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

Since neither Lee '349 nor Lee '897 discloses or suggests a mirror mounting assembly having a bracket construction as recited in the claims presently on file, it is respectfully submitted that the rejection of claim 11 under 35 U.S.C. §103(a) over either of these references is overcome and should be withdrawn.

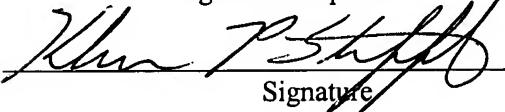
The Examiner combined Lee '897 with either Lee '349 or Greenfield in rejecting claims 13 and 14 since none of these references teach a mirror mounting assembly having a bracket construction as discussed previously. Since none of these references teach bracket construction individually, their combination can also not teach such a construction. Thus, it is respectfully submitted that the rejection of claims 13 and 14 under 35 U.S.C. §103(a) is overcome and should be withdrawn.

The patent to Malachowski discloses a rearview mirror support bracket. The Examiner combined this reference with either Lee '349 or Murgas in determining that claim 19 would be unpatentable over such combination. Applicant respectfully submits that Malachowski has a fastener which is similar to that disclosed in Greenfield and Lee '349 and '897. None of these references teach a mirror mounting assembly having a bracket construction as recited in the presently claimed invention. Thus, any of the combinations of references argued by the

Examiner do not teach or suggest a mirror mounting assembly with such a bracket construction. In view of these considerations, it is respectfully submitted that the rejections of claim 19 under 35 U.S.C. §103(a) over Lee '349 in view of Malachowski or Murgas in view of Malachowski are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

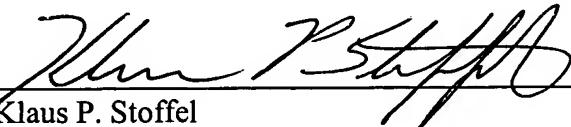
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 24, 2005:

Klaus P. Stoffel  
Name of applicant, assignee or  
Registered Representative  
  
Signature

May 24, 2005  
Date of Signature

MM:KPS:ck

Respectfully submitted,

  
\_\_\_\_\_  
Klaus P. Stoffel  
Registration No.: 31,668  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700